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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,261

11/24/2003

Joseph D. Black

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02/02/2006

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EXAMINER

CHIN, RANDALL E

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,261

Applicant(s)

BLACK, JOSEPH D.

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further consideration, the following art rejections have been made.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference numeral **300** as shown in Fig. 6.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

In the amendment to the specification on page 6, replacing the paragraph beginning on line 6, the sentence "first handle grip 4 includes an aperture 2 for hanging the cleansing brush 100" (see original specification, page 6, lines 8-9) appears to be **missing** from the amended paragraph.

Appropriate correction is required.

Claim Objections

4. Claims 1-6 are objected to because of the following informalities:

Claim 1, line 9, "joint portion" should read –joint assembly--.

Also in claim 1, lines 9-10, the recitation "said joint portion comprised of a first disk member and a second disk member" appears **redundant** of that already recited back on line 6.

Claim 2, line 3, "removable" should read –removably--.

Claim 3, line 3, change "cleansing" to –cleaning--.

Claim 4, line 3, change "cleansing" to –cleaning--.

Claim 5, line 3, change "cleansing" to –cleaning--.

Claim 6, line 3, change "cleansing" to –cleaning--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1744

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle 6,189,222 (hereinafter Doyle '222) in view of Lord 579,277 (hereinafter Lord '277).

The patent to Doyle '222 discloses in **Fig. 6** a "cleansing brush" comprising a "cleansing" head 17, a first rigid elongate tubular member 18, a second rigid elongate tubular member 30, a joint assembly 20 having a first disk 23 and second disk 21, a first grip handle 10, a second grip handle 32, said first disk member having a centrally located aperture (where screw lug 24 passes through), said second disk member having a centrally located threaded aperture 25, said first and second disk members held together by a threaded screw 24, said first elongate member 18 attached at one end to said first disk of the joint assembly, said second elongate member 30 attached to one end of said second disk of the joint assembly, said first elongate member 18 terminating at its opposite end in said first grip handle 12, and said second elongate member 30 including said second grip handle 32 near its connection with said joint assembly. Note, the body of claim 1 lacks any structure to precisely define what a "cleansing brush" is as recited in the preamble. Doyle '222 teaches all of the recited subject matter with the exception of said joint assembly comprising said first disk member including an embedded standard spring biased ball plunger assembly and said second disk member including a plurality of radially displaced apertures capable of receiving said ball. The patent to Lord 579,277 teaches a joint assembly comprising a first disk member a including an embedded standard spring biased "ball" plunger

assembly F, f and a second disk member b including a plurality of radially displaced apertures (Fig. 4) capable of receiving said "ball." It would have been obvious to one of ordinary skill in the art to have substituted Lord's entire joint assembly for Doyle's joint assembly to facilitate adjustably pivoting the first and second members relative to one another by use of a spring-biased assembly. The provision of resilient grips is well within the level of ordinary skill in order to add comfort to the user's hand during manipulation.

7. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle '222 in view of Lord '277 as applied to claim 1 above, and further in view Klotz 5,033,155 (hereinafter Klotz '155).

Klotz '155 discloses in Fig. 4 a second elongate member 2b including an a spring biased push button 14 to removably receive a shaft portion 13 of a cleansing head 4, said cleansing head shaft including an aperture that can snap engage with the spring biased push button in said second elongate member, thereby removably retaining said cleansing head. Whether the spring biased push button is on the second elongate member or the shaft of the cleansing head portion is well within the level of ordinary skill and involves a mere reversal of parts in order to detachably connect a cleansing head. Therefore, it would have been obvious to one of ordinary skill to have provided the modified Doyle device with said cleansing head shaft including a spring biased push button that can snap engage with the aperture in said second elongate member as taught by Klotz '155 in order to removably retain said cleansing head.

Art Unit: 1744

As for claims 3, 4, 5 and 6, it is the Examiner's position that the concept of providing for interchangeably diverse cleaning heads (as recited in claims 3-6) is old and well known in the art and would be obvious to provide for in order to provide for a kit-type cleansing arrangement to make the entire device more versatile.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Bradley, Hummelgard, Lanzarone, and Henson are relevant to adjustable joint assemblies and detachable head connections.

9. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Richard Crispino, can be reached at (571) 272-1226. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744